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CERTAIN ASPECTS OF THE MARKETING PROGRAMS OF THE DEPARTMENT

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OF AGRICULTURE*

By

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When I agreed to substitute for Dr. A. G. Black on this program, I failed to take particular notice of the exceedingly broad subject assigned for discussion, The Marketing Program of the United States Department of Agriculture. Fortunately, however, Dr. Black's associate advised your committee chairman that I would discuss certain aspects of the marketing program of the Department. A more appropriate title for my paper would be, A Discussion of Certain Aspects of Certain Marketing Programs of the Department.

An examination of all the undertakings of the Department of Agriculture would show an exceedingly large number of activities in the field of marketing. Presumably the aggregate of these activities constitutes the Department's marketing program. If this broad subject were to be discussed, consideration would have to be given to various phases of marketing research work, the service activities such as the Market News Service, promulgation of grades and standards, the Inspection Service, the Extension Service, and many other old-line activities of the Department, including the regulatory work under the Food and Drug Administration, the Packers' and Stockyards Act, the Perishable Commodities Act, the Commodities Exchange Act, and the like. In addition, the subject would necessitate some consideration of the newer programs undertaken since 1932, including the marketing-agreement program, the various surplus-removal programs, the commodity-loan and interstate-marketing quota aspects of the ever-normal granary program, the sugar program, and, possibly, the storage aspects of the crop-insurance program for wheat. I wish that I were sufficiently familiar with all these programs and had had the time to consider them in the aggregate so that I might discuss in an over-all manner the subject first suggested by your committee, The Marketing Program of the Department of Agriculture. I find it necessary, however, to confine my discussion to those action programs in the field of marketing that are being undertaken by the Department pursuant to legislation enacted since 1932, with major emphasis on those types of activities with which I am most familiar, namely the marketing-agreement and surplusremoval programs.

It is unnecessary to review for this group the chain of events beginning with the World War which finally led to the economic condition of

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1932. It will be recalled that, as the agricultural situation became critical, most suggestions for a solution of the problem were "marketing" in character. There was a national wave for the development of large cooperatives during the early twenties. This was followed by several proposals for national farm legislation, including various marketing schemes, particularly in respect to our principal exportable commodities. These efforts finally resulted in the Agricultural Marketing Act of 1929 under which the Federal Farm Board extended financial assistance to cooperatives and undertook market stabilization activities for several farm commodities. The depression which began in 1929 gave the Farm Board an impossible task, and the farm situation became increasingly worse until 1933.

The Agricultural Adjustment Act of 1933 represented a decided swing away from the marketing approach to the farm problem and placed major emphasis upon adjustments in farm production. While there have been important changes in the farm legislation and the farm program since 1933, major emphasis is still being placed upon production adjustment, soil conservation, improved farm practices, and more economic land use.

The principal marketing provisions of the Agricultural Adjustment Act of 1933 were those authorizing the Secretary to enter into marketing agreements with the interstate handlers of farm commodities, and to license such handlers. Apparently, the legislative idea behind the first proposals for such agreements and licenses was that they might be used in some manner as an alternative approach to the production adjustment, processing tax, and benefit-payment program in the case of certain major agricultural commodities. Actually, they were used very little for this purpose. Marketing agreements and licenses, however, found an early place as the basis for programs for fluid milk and specialty crops, such as fruits, vegetables, and nuts. Particularly was this true in those instances where there existed strong cooperative-marketing associations or where other voluntary industrycontrol programs had been undertaken, as in the case of certain California fruits. In respect to the early development of agreement and license programs, it is perhaps sufficient here to note that they provided an effective means, under emergency conditions, of combining voluntary and regulatory control over market supplies and farm prices. Between 1933 and 1935, agreement and license programs were undertaken for about 80 commodity producing or marketing areas.

The marketing-agreement legislation was substantially amended in 1935 following the decision of the Supreme Court which held the N. R. A. invalid. Again, following the Court's decision in respect to Triple A processing taxes, the marketing-agreement provisions were further amended and reenacted in the Agricultural Marketing Agreement Act of 1937. It is under the authority of this act that marketing-agreement programs are now being developed.

Before discussing the economic features of these programs, there are certain other distinctive features of the programs and the legislation under which they are developed that should be noted. These may be briefly summarized as follows:

First, the purpose of this legislation and programs developed thereunder is to improve the purchasing power of farm commodities through various means of control over interstate marketing.

Second, the legislation alone imposes no control over the marketing of any commodity. Neither does it assure that such control will necessarily be established in respect to any commodity. It is enabling legislation under which programs may be undertaken in respect to specified commodities, provided conditions within the industry are such that a satisfactory and practical program can be developed within the authority and limitations of the act.

Third, marketing-agreement legislation and programs embrace both voluntary and regulatory control plans (marketing agreements and orders respectively). The regulatory aspect of the order is essential to the success of the programs and the authority to proceed solely on a regulatory basis is necessary for the protection of producers' interests.

Four, the provisions of the legislation are in general sufficiently broad to permit the development of flexible programs which will meet many of the peculiar marketing problems involved for the various individual commodities.

Five, the programs are primarily applicable to localized production or marketing areas for individual commodities, and are designed to meet the particular problems of such areas.

Six, the programs are initiated within the production or marketing area by producers, associations of producers, and others directly interested in improving marketing conditions.

Seven, these programs cannot be undertaken unless approved by two-thirds of the producers.

Eight, the programs are industry-financed. They also provide for as large a degree of democratic industry control in their development and operation as is legally possible, yet with sufficient governmental supervision to protect the interests of individuals and the general public.

Nine, the legislation and the programs developed thereunder recognize the importance of, and are designed to encourage, cooperation among producers in the solution of their marketing problems. Likewise, these programs recognize the importance of private marketing agencies and provide for equitable treatment of all marketing agencies.

Finally, the success of these programs in meeting the objectives of the act and in protecting the interests of individual producers and handlers is peculiarly dependent upon full compliance and strict enforcement.

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The Agricultural Marketing Agreement Act of 1937 specifies the types of economic control provisions that may be included in marketing orders for milk and other commodities, primarily fruits and vegetables, exclusive of canning crops. These control provisions are largely the outgrowth of experience gained from 1933 to 1935 under the original Act of 1933 which placed no limitations on the provisions which agreements and licenses might contain. In the case of fruits and vegetables, these provisions relate to various methods of controlling market supplies, while in the case of milk they authorize the fixing of minimum prices to be paid producers.

The significance of the economic-control provisions authorized by the Marketing Agreement Act of 1937 is readily apparent to anyone familiar with the surplus problem in the case of fruits and vegetables, or the price problems in fluid-milk markets, including the activities of producers' organizations in dealing with these problems.

In the case of fruits and vegetables, it is a common occurrence, particularly during seasons of above-average yields, for terminal market prices to go below the cash costs of harvesting and marketing. Similar conditions frequently result from abnormal weather conditions which advance or retard the harvesting period in specialized producing areas. The situation becomes particularly acute in those producing areas located at great distance from the terminal markets for which large marketing and transportation changes are involved. Not infrequently, the interests of shipping agencies, in receiving service charges on the largest possible volume, result in glutted markets and in prices that leave little or no return to producers. In some instances producers are induced to ship grades and qualities of products that offer no possibilities of returning to them the cash cost which they had incurred in harvesting and marketing.

As a means of dealing with these and similar surplus problems in the case of fruits and vegetables, the marketing-agreement legislation and the programs which have been developed provide for various means of controlling market supplies. A few examples will serve to illustrate the principal means of supply control most commonly used. For the seventh consecutive year, under the California-Arizona citrus agreement program, there have been weekly regulations on the volume of oranges shipped in interstate commerce. These weekly quantities are fixed by the Secretary of Agriculture upon the basis of recommendations made by industry committees. The quantity shipped each week is allotted among the handlers upon the basis of an established formula. During a similar period, the walnut industry of California, Oregon, and Washington, operating under a marketing-agreement program, has set aside a surplus pool of a varying percentage of the crop each season. This surplus pool has been sold at a reduced price in the shelling and export market, in order to increase the returns to producers whose primary outlet is the domestic market for unshelled walnuts. Several other agreement programs for fruits and vegetables have eliminated the shipment of certain low grades and sizes of products in order to prevent net losses to producers and to maintain more reasonable prices for the better grades and sizes of their crop. Under the hopmarketing agreement for Washington, Oregon, and California, certificates are issued to growers covering a fixed percentage of their estimated production, and handlers are prohibited from handling hops that are not covered by these certificates.

The producers' marketing problem in the case of fluid milk is different from that of the producers of fruits and vegetables and, therefore, different means of control are authorized by the act. In the case of fluid milk, the problem is essentially one of price stability and an equitable sharing of the market by producers. It costs producers more to produce milk that will meet the health and market requirements for fluid distribution than it does for milk normally produced and used for milk products, such as butter and cheese. In spite of this fact, however, it is desirable and customary for more milk to be produced than is used from day to day to meet consumption in fluid form. The operating and seasonal surpluses must therefore be sold in the manufactured-products outlet at the lower prices that commonly prevail.

Efforts on the part of distributors to reduce their cost of milk have resulted in numerous systems of pricing milk to producers and frequently in the cutting off of producers from their market. This has led to collective bargaining between producers' associations and distributors, and to the practice of pricing milk in accordance with its use and the checking of tests and weights of milk by producers' associations.

As important as these activities have been to fluid-milk producers, the problem has been only partially solved. Only a part of the producers are members of the cooperatives, and only part of the distributors handle the milk of the cooperatives. The efforts of organized producers to improve marketing conditions have been weakened by those who remained outside the cooperatives. As a result many fluid-milk markets are in a constant state of economic warfare.

The marketing-agreement act, as it relates to milk, recognizes that the principal problem is one of price stability and, therefore, authorizes the development of milk marketing agreements and orders which classify milk in accordance with its use, including the fixing of minimum prices distributors must pay for the various use classes. Such regulations prevent the purchase of milk at flat prices, irrespective of the use made by the distributor. Two general plans are authorized by the act for making settlement with the individual producer. One plan is known as the individual-handler pool, under which each handler pays his producers a uniform price based on his own utilization of milk. The other plan, more commonly used, is the market-wide pool, under which all producers receive uniform prices based on the utilization of milk for the entire market. These settlement methods do not affect the cost of milk to the individual distributor, but result in somewhat different settlements with producers.

There are now in effect 42 individual programs involving agreements, licenses or orders, or combinations thereof. Fifteen of these programs relate to specialty crops, primarily fruits and vegetables. In each of

these programs, the marketing agreement is supplemented by an order. Twenty-four of these programs relate to fluid-milk markets. In only 2 of the fluid-milk programs is the marketing agreement supplemented by an order. In 1 market the marketing agreement is not supplemented by either a license or order. For 10 fluid-milk markets, orders have been issued without marketing agreements being signed by handlers. The 11 other fluid-milk programs are based solely on licenses issued under the original Agricultural Adjustment Act. The remaining three programs include a marketing agreement for the dry-milk industry; a marketing agreement, supplemented by a license, for the evaporated-milk industry; and a marketing agreement supplemented by a license for Connecticut Valley shade-grown tobacco. In addition to these 42 programs now in operation, public hearings have recently been held on three additional programs which are now pending. Several other programs are in the process of formulation.

Marketing-agreement programs are by no means a cure-all for the various marketing problems of individual commodities. Neither do all commodities lend themselves to this type of program. In the case of many fruits and vegetables, marketing agreements offer a practical and effective means of meeting emergency situations. With these commodities, however, emergency situations are not infrequent, but more often, rather ever-repeating.

Marketing-agreement programs cannot be expected to solve problems resulting from a basic overexpansion of production and, unless they are wisely used, they may prevent desirable production adjustments or even induce overproduction. In the case of fluid milk, it is particularly important that prices be kept at levels justified by basic supply and demand conditions. The fact that milk programs involve price fixing has led certain critics to presuppose that this means the fixing of ever-increasing prices, or of unreasonably high prices for milk. Such, however, need not be the case in order that milk producers be benefited by these programs. As a matter of fact, the interests of producers may be greatly impaired by prices that are too high, just as much as by prices that are too low. During the past several months, owing to changes in the supply and demand situation for milk, it became necessary to reduce the prices in several milk markets. These price reductions were made with the approval of two-thirds of the producers in the markets.

Before leaving the subject of marketing-agreement programs, further emphasis should be given to the problem of enforcement. As previously stated, these programs are peculiarly dependent upon full compliance and strict enforcement. This statement means that any material violation of these programs gives the violator an unfair advantage over his complying competitors, and failure to enforce compliance may soon lead to a situation under which it would be an injustice to continue the program, or in case the program were to be continued, it would soon fail to accomplish its objective due to the market effects of increased violation.

Enforcement involves litigation, which is, unfortunately, a slow process, Despite this fact, however, the Department of Justice has been

successful in securing several temporary restraining orders on relatively short notice. Successful litigation, furthermore, necessitates extreme caution in the development of agreement programs. Thus far most of the legal questions raised in litigation have been in respect to the constitutionality of the act and of the orders. On June 5, 1939, the Supreme Court handed down its first decision in respect to marketing-agreement programs. In two opinions, involving the New York and Boston milk orders, the Court upheld the validity of the Marketing Agreement Act of 1937, as well as the particular milk orders involved. While these two decisions will greatly facilitate the enforcement problem in the future, they cannot be construed to mean that the enforcement problem in respect to these programs has been solved. Future litigation, particularly in the case of milk orders, will probably not be concerned with questions as to the constitutionality of the act, but with many detailed questions concerning particular orders.

I wish now to discuss, somewhat more briefly, the surplus-removal programs. These programs are developed primarily under the provisions of supplemental legislation passed in 1935 and subsequently amended, commonly referred to as Section 32, Public Law No. 320. As far as surplus removal activities are concerned, this legislation appropriates annually funds equal to 30 percent of the gross customs revenue (supplemented by an additional 113 million dollars for the fiscal year ending June 30, 1940) which may be used to encourage domestic consumption by diverting agricultural commodities from the normal channels of trade, or by increasing their utilization among low-income groups, or to encourage the exportation of agricultural commodities.

During the past fiscal year a total of 70 separate programs of the types authorized by Section 32 were placed in operation, involving 50 different agricultural commodities or their products. These programs include (1) purchases of surplus commodities, primarily food products, by the Federal Surplus Commodities Corporation for relief distribution through State relief agencies; (2) distribution of food commodities to relief clients through the stamp plan; (3) diversion of surpluses to byproducts or other low-price outlets, including domestic market areas of low per capita consumption; (4) experimental programs to encourage new uses; and (5) diversion of surpluses to export markets through purchases and sales of the Federal Surplus Commodities Corporation, or by other payments to cover losses on export sales, or through the payment of specified export subsidies.

Since it is obvious that time will not permit a detailed discussion of all these types of surplus removal programs, only certain general aspects will be discussed. In the first place, it is apparent that not only are there at least two general approaches to the farm problem, one through production adjustments and the other through marketing, but there are also at least two general types of marketing programs authorized by existing farm legislation. In many cases a given surplus problem may be met either through the use of a marketing-agreement program or through some form of surplus-removal program as authorized by Section 32. The marketing-agreement type of program is partially regulatory in character and frequently

requires certain adjustments within the industry. Furthermore, standing alone, these programs do not involve the use of Federal funds as do the surplus-removal programs developed under the provisions of Section 32. This does not mean, however, that producer benefits obtained through marketing-agreement programs may not involve what would be equivalent to a tax. It, of course, would be possible, and in the short-run interests of producers in some instances, to curtail market supplies through the use of marketing agreements to a point where a substantial tax might be involved. Neither the marketing-agreement programs nor the surplus-removal programs, however, are operated to obtain unreasonably high prices to producers. The interests of consumers and other groups are definitely safeguarded by provisions of the legislation. The same is true in respect to the development and operation of the programs.

Insofar as practical, it has been the policy to coordinate the use of surplus-removal programs with marketing agreements, but this is by no means a definite requirement. Where surplus-removal programs are coordinated with marketing-agreement programs, it is essential that each of these two parts of the program facilitate the accomplishment of its respective purpose. Surplus-removal programs are most effective when they supplement the efforts of an industry in improving marketing conditions.

With the hundreds of different commodities produced in this country, it is apparent that there is a difficult administrative task of determining the nature and extent of assistance which should be rendered to the producers of a given commodity. It is obviously necessary, in this connection, that several factors be taken into consideration. Perhaps the most important consideration is the relative needs of the producers. In addition, there is the question as to the relative benefits that would be obtained from a given expenditure. These two major problems, as well as many others, are involved in the development of surplus-removal programs.

Agriculture does not, of course, live by itself, and it is, therefore, impossible to maintain a prosperous agriculture with millions of urban workers unemployed. Thus it is necessary, in considering any surplus-removal program, not to overlook the urban aspect of the problem. While it is not the responsibility of agriculture to continue to produce at a loss in order to feed the unemployed and those with low income, neither can agriculture, in the face of great industrial unemployment hope to attain prosperity through programs directed solely at reduction in volume.

The unemployment problem and the problem of low-income groups have been of particular importance in considering the uses made of Section 32 funds. Substantial emphasis has been placed on those programs which would divert agricultural surpluses to persons who would not otherwise be able to consume these commodities, or whose incomes are such as not to permit an adequate diet. A substantial proportion, therefore, of Section 32 funds has been used for the purchase of surplus commodities by the Federal Surplus Commodities Corporation for distribution to relief clients through State relief agencies.

As far as the immediate interests of producers are concerned, the relief purchase program seeks to remove a sufficient volume of the supply to improve prices for that portion of the supply sold in the normal market. In some instances, it appears that the mere announcement of a purchase program has improved the price situation. In some instances, as a byproduct, the purchase program has encouraged improved trade practices, particularly improvements in the grading of commodities offered in regular market outlets.

One of the principal problems of the purchase program as far as producers are concerned is the matter of prices paid by F. S. C. C., particularly when purchases are made in the producing areas from growers or others. Not infrequently are requests made that purchases be made at prices substantially above the market. These requests sometimes indicate that too much attention is paid to the price received for sales made to F. S. C. C. instead of to the effect that such purchases may have on the price structure through the removal of the price-depressing surplus. It is obvious that the Government cannot stand ready to purchase all of a commodity that may be offered even at prices that may appear unreasonably low to producers.

On the whole, producers have been fairly well satisfied with the operation of the purchase program. Insofar as the trade is concerned, most of the criticism has come from those most interested in speculative profits. These criticisms are most common in those instances in which the purchase program tends to prevent the usual short-time fluctuations in the market, as was true this past season in the butter-purchase program.

The stamp plan for distributing surplus food commodities to persons on relief is now being tried on an experimental basis in a few mediumsized cities. This program seeks to secure expanded consumption of surplus food commodities by making distribution through the regular channels of trade. During the past several years, retail groups have put on "drives" to push the sales of certain surplus food commodities. These special sales efforts were undertaken at the request of producer groups. In many instances, the commodities being pushed have been the same commodities purchased by the F. S. C. C. The stamp plan is based in part on the theory that if designated surplus foods for relief use are distributed through regular trade channels, the trade will also push the sales of these commodities to other consumers. It is, furthermore, believed possible that the resulting increased volume of sales may reduce somewhat the selling margins taken by the trade. The food trade has for some time criticized the distribution methods used by F. S. C. C. and the State relief agencies, contending that the methods were wasteful and that the direct distribution of commodities interfered with their business. While there may be some merits to these contentions and while, undoubtedly, some mistakes have been made in the past, it must be recognized that these groups would naturally favor a plan by which all commodities distributed for relief purposes would pass through regular trade channels. The food trade has been particularly cooperative in the development and operation of the food-stamp program, and it is hoped that this cooperation will stimulate the consumption of surplus

foods, particularly of those foods necessary from the health viewpoint for an adequate diet.

The mechanics of the food-stamp program are relatively simple, and the plan imposes no restrictions on the normal operations of retailers, except that the stamps must be used in accordance with regulations issued by the Secretary. Two types of stamps are issued, orange stamps and blue stamps. The orange stamps are sold to relief clients, including W.P.A. workers, in amounts equivalent to about \$1 a week for each person in the family. With the purchase of the orange stamps there are issued, without charge, blue stamps equivalent to about one half the value of the orange stamps purchased. These blue stamps must be used only for the purchase of those foods that have been designated as "surplus foods" by the Secretary. The orange stamps may be used for the purchase of any commodity regularly sold in retail food establishments.

The purpose of requiring the purchase of orange stamps in most instances as a condition to the issuance of the blue stamps is to assure that the program will have the effect of increasing the consumption of surplus foods and not merely to replace expenditures previously made for food. It has been found that the average expenditure made for food by groups comparable to those eligible to participate in the stamp program amounts to approximately \$1 per person per week. Thus the issuance of the blue stamps in conjunction with the sale of orange stamps should effect a net increase in food consumption. In order to meet the needs of certain relief groups and, in part to determine the importance of the orange stamps, blue stamps are issued in some instances without the purchase of orange stamps.

As already indicated, this program is being conducted an an experimental basis, and the extent to which it will be used to supplement or replace direct purchases by F. S. C. C. for distribution through State relief agencies will depend on the results of the experiment. It is, of course, too early to draw definite conclusions in respect to the foodstamp program. The program has, however, been well received by the general public, and it appears to have the united support not only of the food trade but also of producer groups and those to whom the products are being distributed.

Assistance has also been rendered to producers of several commodities by diverting a portion of the supply to by-product outlets or other low-price outlets, including, in one instance, the diversion of winter pears to domestic areas of low per capita consumption. The surplus outlets in these programs range from those frequently used during periods of low prices, such as the oil market for peanuts, to those seldom used except for very-low grades and qualities such as the nicotine outlet for tobacco.

Where the demand for the product in the primary outlet is very inclastic, substantial benefits may accrue to producers from a diversion program involving the expenditure of a small amount of funds. The possibilities of such results are increased in those instances in which a substantial

net return can be realized from the diversion market. The peanut diversion program has been particularly effective because of the nature of the demand for edible peanuts and the value of peanuts for oil. Unfortunately, there are relatively few instances where both of these conditions exist. It is often difficult to find diversion outlets that will return any substantial amount over the cost of making the diversion, exclusive of the cost of the commodity diverted. Where the net return in the diversion outlet is exceedingly low, the program can be justified only as an emergency measure in dealing with a serious surplus situation.

Many of the diversion programs have been operated in conjunction with marketing-agreement programs developed under either State or Federal authority. In these instances, the producers receive a somewhat lower price for the surplus which is diverted than is received for regular sales through the primary market. The diversions in such instances are frequently made from pools created pursuant to the marketing-agreement programs. The returns realized from these pools are supplemented by small diversion payments from Section 32 funds.

These diversion programs are in some instances financed by loans from the Commodity Credit Corporation secured by the returns from the pool and the diversion payments provided in the program. Likewise, Commodity Credit Corporation loans have been used in a somewhat similar manner in the operation of certain relief purchase programs, such as the butter program, where it is desirable to permit the product to reenter the market if prices advance substantially.

Unlike the marketing-agreement and the surplus-removal programs, which I have discussed, other marketing activities of the Department are closely linked to the agricultural-conservation and adjustment aspects of the national farm program. These marketing activities involve the evernormal granary plan which combines loans and marketing quotas. The principal export programs are also closely related to these activities.

It is obvious that any detailed discussion of these major marketing activities would also involve a detailed consideration of the adjustment programs which they supplement.

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